

River Protection Workgroup



Involving the public in protecting the natural values of selected streams while allowing water development to continue

River Protection Workgroup ("RPW") INFORMATION SHEET: Hermosa Creek

Area of Interest for Special Protection ("Area"): The Area includes Hermosa Creek and all its tributaries down to the southeastern (lower) United States Forest Service ("USFS") boundary. Four of those tributaries were not considered to be eligible for Wild & Scenic Rivers ("WSR") designation by the USFS. The Area also includes 160 acres of private land with a decreed water right diverted from the mainstem of Hermosa Creek at the Three Sisters Ditch, for which a land exchange is being considered between USFS and Tamarron Properties.

Values: There are many values in the Hermosa Creek watershed. A values statement for the Hermosa Creek area crafted by the Hermosa Creek Workgroup includes:

The Hermosa Creek Area is exceptional because it is a large intact (unfragmented) natural watershed containing diverse ecosystems, including fish, plants and wildlife, over a broad elevation range, and supports a variety of multiple uses, including recreation and grazing, in the vicinity of a large town.

Terrestrial Wildlife and Wildlife Habit:

- elk
- bear
- deer
- Canada lynx
- snowshoe hare
- blue grouse
- wild turkey
- river otters
- coyote
- beaver
- bobcat

Contacts:

Southwestern Water Conservation District
970-247-1302 or water@frontier.net

or

San Juan Citizens Alliance
970-259-3583 or cwanner@frontier.net

ocs.fortlewis.edu/riverprotection

Fish Species:

Species in the Hermosa Creek mainstem and many of the tributaries of Hermosa Creek drainage include, but are not limited to: rainbow, brown, brook, hybridized and pure strain Colorado River cutthroat trout, and other wild trout populations.

Other Values:

- presence of a G2 community of white fir - Colorado blue spruce - narrowleaf cottonwood/Rocky Mountain maple, considered globally imperiled, as measured on a scale of G1-G5 by the Colorado Natural Heritage Program
- horseback riding
- Hermosa Creek's natural flow variation
- area's sense of remoteness
- Hermosa Creek was one of the first drainages outside a Wilderness Area or National Park to be designated as "Outstanding Water" by the Colorado Water Quality Control Commission
- grazing
- Hermosa Creek provides water for ditch users in the Animas Valley and it flows into the Animas River
- ATV use
- Hermosa drainage contains almost no private property (it is rare for such a large watershed to be publicly owned)
- there is accessibility to the area and multiple access points
- existence of biodiversity and large blocks of roadless, unfragmented land, providing ecological continuity and integrity; the area represents many major life zones and has large areas of intact old-growth and healthy ponderosa pine forest

Outstandingly Remarkable Values ("ORVs") identified by the USFS:

(1) Recreational use: The Area is subjected to heavy recreational use because of its proximity to Durango. Uses include mountain biking; motorcycle riding; hiking, camping, backpacking, hunting, fishing, snowmobiling on the East Fork, Class IV and V whitewater kayaking, cross-country skiing, and single-track use.

(2) Cutthroat conservation use: This ORV is a result of the naturally isolated Hermosa Creek tributaries. These tributaries provide excellent habitat for existing Colorado River cutthroat trout and opportunities for restoration. An outcrop of limestone occurs at the terminus of many Hermosa Creek tributaries, providing a natural fish migration barrier. A pure strain of Colorado River cutthroat trout has been stocked in the East Fork of Hermosa Creek, Clear Creek, and North Hope Creek. Clear Creek was stocked from the native cutthroat trout population found in Big Bend Creek. A Colorado Division of Wildlife ("CDOW") Colorado River cutthroat trout restoration project, in cooperation with the USFS, is currently planned for the headwaters of Hermosa Creek, with the long-range goal of linking the East Fork and headwaters cutthroat trout populations.

River Protections Currently in Place: USFS Management: The Hermosa Creek Area is managed by the USFS. Most of the Area is within the USFS 2001 Roadless Rule boundaries and managed under this rule. The Area contains the largest roadless land block under USFS jurisdiction in Colorado. The west side of Hermosa Creek, because of a lack of disturbance, has an unbroken sequence of various life zones, which can serve as reference areas for other parts of the San Juan National Forest. Under current USFS management, a majority of the area is classified as a Management Area 3 (MA3) which allows for grazing and some management activities that would benefit the resource conditions. The popular Hermosa Creek Trail is motorized and there are motorized trails on both the west and east sides. The San Juan Draft Land Management Plan/Draft Environmental Impact Statement released in December 2007 recommends Alternative B which features: the western portion managed as a MA1; the eastern side managed as a MA3; recommendation of 50,895 acres for Wilderness and

15,469 acres as a Research Natural Area; and a recommendation that 62.4 miles of Hermosa Creek and its tributaries are suitable for Wild and Scenic River designation.

Water Quality: Hermosa Creek has been designated an Outstanding Water of the State of Colorado by the Colorado Water Quality Control Commission, except for the East Fork and its tributaries, which have the next highest water-quality classification. Also, the Colorado Division of Wildlife has fishing regulations in place on the East Fork from the headwaters to Sig Creek, including the use of artificial flies and lures only and a policy of catch and release.

Instream Flows: The Colorado Water Conservation Board (CWCB) holds instream flow water rights on the Hermosa Creek mainstem and a number of tributaries:

CWCB Instream Flows

Stream Name	Case No.	Amounts (dates) (CFS)	Appropriation Date
Big Bend Creek	7-87CW053	1.5 (4/1-6/30) 0.5 (7/1-3/31)	5/15/1987
Big Lick Creek	7-87CW052	2 (4/1-6/30) 0.75 (7/1-3/31)	5/15/1987
Clear Creek	7-87CW048	5 (4/1-6/30) 1.5 (7/1-3/31)	5/15/1987
Corral Creek	7-84CW277	1.5 (1/1-12/31)	7/13/1984
Deer Creek	7-87CW051	1.5 (4/1-6/30) 0.5 (7/1-3/31)	5/15/1987
Dutch Creek	7-87CW047	4 (4/1-6/30) 2 (7/1-3/31)	5/15/1987
East Fork Hermosa Creek	7-84CW278	1.5 (11/1-2/29) 3 (3/1-10/31)	7/13/1984
Elk Creek	7-87CW050	2 (4/1-6/30) 1 (7/1-3/31)	5/15/1987
Grassy Creek	7-83CW086	2 (1/1-12/31)	5/15/1983
Hermosa Cr (Headwaters Reach)	7-84CW276	9 (1/1-12/31)	7/13/1984
Hermosa Cr (Upper Reach)	7-87CW055	7 (10/1-4/30) 13 (5/1-9/30)	5/15/1987
Hermosa Cr (Middle)	7-87CW046	14 (10/1-4/14) 21 (4/15-9/30)	5/15/1987
Hermosa Creek (Lower)	7-84CW281	22 (11/1-2/29) 37 (3/1-10/31)	7/13/1984
Relay Creek	7-84CW280	1 (1/1-12/31)	7/13/1984
Sig Creek	7-84CW279	1 (1/1-12/31)	7/13/1984
South Fork Hermosa Creek	7-87CW049	12 (4/1-6/30) 4 (7/1-3/31)	5/15/1987
West Cross Creek	7-87CW054	0.5 (4/1-6/30) 0.25 (7/1-3/31)	5/15/1987

Potential Protection Mechanisms: The Workgroup is currently studying various tools that may be recommended for further protection of the values identified. Also, several local community groups have joined together to offer the USFS an alternative proposal for the proposed Wilderness Area that would accommodate mountain biking and other recreational uses, and establish a National Conservation Area in addition to a Wilderness Area.

Water Rights: The following water uses occur above the lower USFS Boundary on Hermosa Creek.

Primary Use/Date	Appropriation Date	CFS Absolute	CFS Conditional ¹
Irrigation (12/31/81)	8/28/1981	1.7 ²	
Stock (12/31/1971)	7/1/1906	0.1 ²	
Domestic/Municipal (12/31/1971)	6/10/1971	0.05 ²	3 (Purgatory's Dante's Well)
Commercial (12/31/1971) Instream Flow	6/10/1971 See prior page	0.135 ²	

Court Actions: USFS Reserved Rights Application in Case W-1605-76B³. Negotiations to resolve the case have been extremely limited since 2003.

Stream Flow Data: The watershed for the Area is about 172 square miles. A U.S. Geological Survey gauge below the National Forest boundary was in place from October 1920 to October 1980. The average low, mean and high flows in Hermosa Creek during that period were 22 cfs, 135 cfs and 665 cfs respectively. There is a range of flows on Hermosa Creek.

Transportation: There are several roads open to public use within the Area .

Uses Which Require Special Permits: Commercial outfitters, including mountain biking, hunting, skiing and grazing. The number of recreation permits issued by the USFS is capped.

Reasonably Foreseeable Economic Development: This development includes expansion of the Durango Mountain Resort ("DMR") ski area, with a new restaurant proposed at top of DMR Lift #4. The 160 acres of private land could be developed. Hydroelectric development is possible due to steep terrain. Additional outfitter permits are anticipated. There is potential for a past timber sale to be harvested in the future.

Potential Water Diversion and Storage Locations: The State Water Supply Initiative ("SWSI") lists Hermosa Park Reservoir at Cross Creek for potential development for 75,883 acre-feet. SWSI was a basin by basin study conducted by the Colorado Water Conservation Board to examine Colorado's water uses, water supply needs, and future water planning efforts. SWSI focused on using a common technical basis for identifying and quantifying water needs and issues. SWSI catalogued the specific projects, plans, and processes that local water suppliers have identified and are undertaking as components of their own water supply planning efforts to meet the needs they themselves have identified. Also, pursuant to House Bill 1117 and the Water for the 21st Century Act, the Southwest Water Roundtable is reexamining and redefining the consumptive and non-consumptive needs in the basin.

Potential Conflicts: Ongoing agenda item at Hermosa Creek Workgroup meetings.

¹ Conditional well rights in the E. Fork Basin: USFS and Durango Mountain Resort ("DMR") are still working on plans for potential test wells. As part of a DMR/USFS/CWCB Agreement, DMR will not pursue its decreed conditional storage water rights.

² Some of these amounts may overlap if a water right is decreed for more than one purpose.

³ The case involves whether the USFS is entitled to water rights "reserved" as of the date Congress reserved land for the National Forest for fluvial geomorphological (stream channel maintenance) purposes, and, if so, how much water per stream across USFS land.